

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA
IN PRIMARY CARE and UNITED
BIOLOGICS, LLC, d/b/a UNITED
ALLERGY SERVICES,

Plaintiffs,

VS.

AMERICAN ACADEMY OF ALLERGY
ASTHMA & IMMUNOLOGY, ET AL.,

Defendants.

CIV. NO. 5:14-CV-00035-OLG

**COUNTER-PLAINTIFFS PHADIA US INC. AND THERMO FISHER
SCIENTIFIC INC.'S DESIGNATION OF EXPERT WITNESS**

Pursuant to Federal Rule of Civil Procedure 26(a)(2) and the Court’s Order Granting the Parties’ Joint Motion to Extend Expert Report Deadlines (Dkt. 246), Counter-Plaintiffs Phadia US Inc. and Thermo Fisher Scientific Inc. identify the following expert witness who may testify in support of Phadia US Inc. and Thermo Fisher Scientific Inc.’s counterclaim.

Wendy Weiss, JD
Managing Director, Navigant Consulting, Inc.
Healthcare and Life Sciences Disputes, Regulatory, Compliance & Investigations
515 South Flower Street, Suite 3500
Los Angeles, California 90071
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Ms. Weiss is expected to express the opinions described in her report, which is being served contemporaneously on all counsel of record. The basis and reasons for Ms. Weiss's opinions and the data and other information considered by Ms. Weiss in forming those opinions are also described in the contemporaneously served report. Ms. Weiss's qualifications, including

a list of all publications authored in the previous 10 years, as well as a list of all other cases in which Ms. Weiss has testified as an expert at trial or by deposition during the previous 4 years, are also included in the report. The compensation to be paid for Ms. Weiss's study and testimony is described in the report.

James A. Reeder Jr.
Christopher V. Popov
Vinson & Elkins LLP
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760
(713) 758-2202

Messrs. Reeder and Popov may testify regarding the reasonableness of Phadia US Inc. and Thermo Fisher Scientific Inc.'s claims for attorneys' fees and expenses in connection with the prosecution of their counterclaim against Plaintiff/Counter-Defendant United Biologics, LLC d/b/a United Allergy Services. Messrs. Reeder and Popov will testify on the basis of their experience, education, and training, their knowledge of the instant litigation, their knowledge of the market for legal services in the relevant specialties and geographic area(s), and any evidence which may be presented in connection with Phadia US Inc. and Thermo Fisher Scientific Inc.'s claims for attorneys' fees and expenses. Copies of the current resumés of Messrs. Reeder and Popov were contemporaneously served on all counsel of record.

This description of each expert's expected testimony is intended to be general, not exhaustive. All designated experts may testify in rebuttal to evidence and testimony presented by Plaintiffs/Counter-Defendants and any of their witnesses. In addition, it is anticipated that some fact witnesses not retained or specially employed for the purpose of rendering expert testimony on behalf of Phadia US Inc. and Thermo Fisher Scientific Inc. may give testimony in the nature of an opinion or a combination of fact and opinion testimony in their respective disciplines, and that such testimony would be based on their education, experience, and training.

Dated: May 2, 2016

Respectfully submitted,

VINSON & ELKINS LLP

/s/ James A. Reeder, Jr.

James A. Reeder, Jr.

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**ATTORNEYS FOR DEFENDANT
PHADIA US, INC. AND THERMO FISHER
SCIENTIFIC INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument has been served on all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) on this 2nd day of May, 2016.

/s/ Liane Noble

Liane Noble

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